

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

HEATHER ROBINSON,

Plaintiff,

v.

Case No. 08-14069

Hon. Lawrence P. Zatkoff

PATRICIA CARUSO et al.,

Defendants.

ORDER TO DISMISS IN PART

Plaintiff filed her complaint on September 22, 2008. The Court liberally construes Plaintiff's complaint to contain the following counts:

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| Count I | Violation of 42 U.S.C. § 1983 |
| Count II | Violation of 42 U.S.C. § 1983 and medical malpractice under Mich. Comp. Laws. § 600.2912 |
| Count III | Violation of 42 U.S.C. § 1985 |
| Count IV | Violation of 42 U.S.C. §§ 1985, 1986 |
| Count V | Violation of 42 U.S.C. § 1983 |

The Court has subject-matter jurisdiction over Count I, the § 1983 violation in Count II, and Counts III-V because they arise under federal law. 28 U.S.C. § 1331. The medical malpractice claim in Count II, however, is based on state law. Although the Court has supplemental jurisdiction over state-law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are “compelling reasons for declining jurisdiction.” *Id.* § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state-law claim

in this matter. The Court finds that the contemporaneous presentation of Plaintiff's parallel state claim for relief will result in the undue confusion of the jury. *See id.*; *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's state-law claim (medical malpractice in Count II) is hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff's federal claims (Count I, § 1983 violation in Count II, and Counts III-V).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: November 25, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on November 25, 2008.

s/Marie E. Verlinde

Case Manager

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